

Fetal Personhood

Opponents of abortion insist that the fetus is a person from the moment of conception. Those who support abortion under some circumstances argue that the fetus is not a person.

Question: Why is it important that the fetus is a person? What is the difference between being a person and being a human being?

Thomson's view is that the fetus becomes a person at some point in the pregnancy. So, for the sake of argument, she grants that the fetus is a person from the moment of conception. Therefore, the fetus has a right to life from the moment of conception.

Standard Anti-Abortion Argument

1. A fetus is a person.
2. Every person has a right to life.
3. So, the fetus has a right to life.
4. The mother has a right to decide what happens to her body.
5. \Rightarrow A person's right to life is stronger than a person's right to decide what happens to her body.
1. Therefore, it is impermissible to kill a fetus.
2. Abortion kills the fetus.
3. Therefore, abortion is impermissible.

Problems?

- Is the standard argument problematic? Is it true that persons always have the right to life? Is it true that it is always wrong to kill a person?
- Perhaps it is possible to give up one's right to life (e.g. when one commits a capital crime or intentionally harms another person).
- So, we might alter the forgoing argument by including the fact that the fetus has not given up its right to life by committing a crime, or by threatening the life of another. [Later we will discuss whether or not it is permissible to kill an innocent person in self-defense.]

Violinist Analogy

Thomson provides an argument by analogy to show that premise (5) is false. [A person's right to life is stronger than a person's right to decide what happens to her body.]

This is the violinist example.

It is morally permissible to unplug in the Violinist case.

1. The Violinist Case is the same as a pregnancy due to rape in every morally relevant respect.
2. So, it is morally permissible to abort in cases of pregnancy due to rape.

In other words, if your right to self-control overrides the violinist's right to life, then by analogy, the mother's right to self-control overrides the fetus's right to life (in cases of rape).

Is the violinist/rape analogy a good one?

Is the Violinist Case the same as a pregnancy due to rape in every morally relevant respect (premise 2)?

Objections: try to show a morally relevant disanalogy b/w violinist and rape-caused pregnancy

- Violinist has no genetic relationship to you, but the fetus does.
 - » Possible reply? Change violinist to long lost identical twin sibling.
- Burden of pregnancy is (usually) much less severe than giving bed-ridden support to the violinist.
 - » Imagine that you can move about with the violinist. Does this fact change whether you have a duty to stay hooked up to him?
- Does it matter if the violinist is an infant? Do we have special obligations to children that we do not have to adults?
 - If so, does this suggest that we should be doing more for children around the world in need?

Review from Wednesday

- Thomson grants that the fetus is a person from the moment of conception, and therefore has a right to life from the moment of conception.
- Opponents of abortion argue that although a woman has a right to control what happens in and to her body, a fetus' right to life is weightier, and therefore that abortion is wrong (because it violates the fetus' right to life).
- Thomson challenges the above by appealing to the violinist analogy. She argues that it is permissible for one to unplug from the violinist. The right to control what happens to our bodies sometimes outweighs another person's right to not be killed.
- Thomson concludes from the violinist analogy that abortion is permissible in the case of rape.

The Extreme Anti-Abortion view

Abortion is impermissible under any circumstances, even if the mother's life is threatened by the pregnancy.

How does one support this view?

Four principles that are put forward to support the extreme view

1. Directly killing an innocent person is always and absolutely impermissible.
2. Directly killing an innocent person is murder and murder is always and absolutely wrong.
3. One's duty to refrain from directly killing an innocent person is more stringent than one's duty to keep a person from dying.
4. If one's only options are to kill an innocent person or let an innocent person die, one must always prefer to let the innocent person die.

JJT's Response: The Rapidly Expanding Baby

- Thomson argues that it is absurd to claim that a woman murders a fetus if she aborts it in self-defense. She supports this by revisiting the violinist example. Must you stay plugged in to the violinist if doing so will result in your death? She also appeals to the case of the rapidly expanding baby.
- Must the person trapped in the house with the expanding baby wait passively for her death, or can she kill the baby in order to save herself?
 - Is it permissible to kill an innocent person in self-defense?

Pregnancy from Voluntary sex

Thomson suggests that there are two ways to argue that it is wrong to abort a fetus who is the product of consensual sex:

1. One can argue that in having consensual sex, a woman gives the fetus the right to use her body, and therefore by aborting it, violates its rights.
2. One can argue that it is not minimally decent to abort a fetus who is the product of consensual sex.

The Right to Life

- One might think that when a fetus does not threaten the mother's life, it is less clear that it does not have a right to use her body.
- Thomson argues that the mere fact that the fetus has a right to life does not give it a right to use its mother's body. It doesn't even give it the right not to be killed. The only thing it gives it is the right not to be killed unjustly.

So, if the fetus has a right not to be expelled from the womb, this must be because it has a right to use the woman's body to sustain its own life. Its right to life does not grant it this right. Is there some other way it comes to have this right?

People seed case

Thomson argues that merely having consensual sex, knowing that you might get pregnant, does not clearly give the fetus a right to use your body.

To support this she appeals to a number of analogies, of particular interest is the people seeds case, which can be analogous to protected or unprotected sex.

JJT says that in either case, we can pull the people seed out of our upholstery. The seeds have no right to use our houses. Similarly, the mere fact that we engaged in consensual sex (protected or not) does not give a fetus the right to use our bodies.

She seems to think that to have a right to use your property (body), the person (fetus) must have been given *implicit or explicit permission to use your property (body)*. (Permission Principle.)

People seed

Are there morally relevant differences between the people seeds and cases of protected or unprotected consensual sex? What are they?

Can we alter the case to test whether those features make a moral difference?

Is the Permission Principle true?

Minimal Decency

- Even if explicit (or nearly explicit) permission is required in order for the fetus to have a right to use the woman's body, and therefore, aborting the fetus does not typically violate its rights, it is possible that it is not minimally decent for a woman to abort a fetus who is the product of consensual sex.
- Minimally decent Samaritans: do the bare minimum that can be expected of them. They act to aid or prevent harm to others when it does not require that they compromise any significant projects or interests of their own (e.g. aiding Kitty Genovese).
- Good Samaritans: do more than what can be minimally expected of them. They act to aid or prevent harm others even when this involves some harm to their own projects and interests.
- Splendid Samaritans: do much more than what can be minimally expected of them. They act to aid or prevent harm others even when this involves a significant sacrifice on their part.

Rights VS Decency

- Thomson claims that we *ought* to be minimally decent. However, this is not the same as claiming that a person has a right to our being minimally decent to him or her--- we do not always treat her unjustly if we fail to be minimally decent towards her.
 - She illustrates this distinction with the case of the chocolates and the case of Kitty Genovese. The brother ought to share his chocolates with his little brother. But, the little brother has no right against him that he does so-- it is just that he would fail to be minimally decent if he does not do so.
- Similarly, those who failed to aid Kitty Genovese (i.e. to call 911) failed to be minimally decent, but they were not unjust. Genovese had no right against them that they call 911.

Rights VS Decency Con't

- Thomson's claim seems to be that people never have rights against us that we do anything positive for them, unless we have taken actions which give them these rights.
- Is this correct? If it is, then the fetus never has a right against its mother that she carry it to term, unless it has been given that right explicitly.

Abortion and Minimal Decency

- Even if we agree that a fetus never has a right against its mother that she carry it to term, unless she gives it that right, it might still be the case that having an abortion is not minimally decent, and therefore something one ought not to do.
- Thomson suggests that this will sometimes be true. E.g. The woman who has carried the fetus to 7 months and will only have to postpone her trip in order to carry to fetus to term.
- Are there other cases you can think of?
- Will an abortion in the case of consensual, unprotected sex be minimally decent? Has the woman done all that could minimally be expected of her?
- What about an abortion in the case of failed contraception?

Conclusions

Thomson argues that there is no clear answer to whether or not abortion is permissible. We must decide this on a case by case basis. However, she does give us principles to base our decisions on.

She argues that an abortion is permissible so long as:

1. The fetus has not been given a right to the woman's body (i.e. as long as the abortion is not an unjust killing).
2. Having or performing an abortion is not indecent (it does not fail the requirements of minimal decency).

She argues that these conditions will be met in many, but not all cases.

A last thing to keep in mind is that she insists that we cannot seek to secure the death of the fetus. Would this make late term abortions impermissible on her view?